

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Fred L. Nance Jr.)	
)	Case No. 20 CV 06316
Plaintiff,)	
)	Honorable Judge: Jorge L. Alonso
vs.)	
)	Honorable Magistrate Judge:
Department of Justice, Bureau of Justice)	
Assistance, Office of Justice Programs,)	Beth W. Jantz
EMAGES, Inc., Hattie Wash, Thomas)	
Bradley, et al.)	Courtroom: 1903
)	
Defendants.)	

PLAINTIFF MOTION FOR LEAVE TO SUPPLEMENT COMPLAINT

NOW COMES, pro se plaintiff Dr. Fred L. Nance Jr. requesting leave to supplement this complaint pursuant to FRCP 15(a)(2) "...The Court should freely give leave when justice so requires" and pursuant to the National Defense Authorization Act, Whistleblower Act of 2013, amended 2016, specifically, for abuse of authority, defined broadly, relating to a federal contract or grant; violations of a law, rule, or regulation related to a federal contract or grant; and violations of requirements for competition for or negotiation of a federal contract. DOJ, BJA, OJP has been grossly negligent. Plaintiff has been injured and is increasing his damages to 1.25 Million Dollars. This is a public interest case. Plaintiff states as follows:

1. DOJ, BJA, OJP issued BJA FY 21 Second Chance Act Community-Based Reentry Program (hereinafter, "SCA Grant") solicitation on January 14, 2021 with a deadline for grant submission March 30, 2021 at 11:59 PM, which was changed to April 27, 2021 at 11:59 PM.
2. DOJ, BJA, OJP created a new system for submission of grant applications "JustGrants", which went into effect on October 1, 2020.
3. JustGrants works in concert, alongside with JustGrants.support@usdoj.gov,

JustGrants.Support@ojp.usdoj.gov, OJP.ITServiceDesk@usdoj.gov, and the National Criminal Justice Reference Service (hereinafter, “NCJRS”) grants@ncjrs.gov.

4. On April 21, 2021 plaintiff filed Incident Report #519092 regarding Budget questions and concerns with JustGrants.Support@usdoj.gov. (Ex.1)

5. JustGrants.Support@usdoj.gov logged in plaintiff’s incident report but plaintiff never received a response from anyone in a timely manner so he could address the budget concerns C.L.I.C.K. Services NFP’s (hereinafter “C.L.I.C.K.”) grant application.

6. Plaintiff created a grant application, by and through his Not-For-Profit organization C.L.I.C.K., for this SCA Grant.

7. On April 27, 2021 plaintiff attempted to submit his grant application in the JustGrants system.

8. On April 27, 2021 when plaintiff attempted to submit his grant application, plaintiff received an error message from the JustGrants system stating “The Federal Estimated (Federal Share) in the Standard Applicant Information screen does not match the Federal Funds in the Consolidated Summary screen.” (Ex.2)

9. On April 27, 2021 plaintiff followed JustGrants processes and procedures and filed an Incident Report regarding the JustGrants system denying plaintiff to submit his grant application.

10. On April 27, 2021 plaintiff stated in his Incident Report #522329 at 10:34 pm (CST):

“I have been trying to submit my documents for this grant solicitation since 6:15 pm (CST). The JustGrants System would not allow me to submit my documents. I called the support line at 7:40 pm (CST) and was the 18th caller. When my call was answered it was approximately 9:15 pm (CST). A message stated JustGrants was experiencing a system error. This is crazy. I cannot submit my grant application. There is nothing wrong with my grant application. I am attaching a copy of it, which is not all of the grant application. This was all the system would permit printing. I kept getting the message “The Federal Estimated Funding (Federal Share) in the Standard Applicant Information screen does not match the Federal

Funds in the Consolidated Category Summary screen. IT DOES MATCH!!! PLEASE SUBMIT MY GRANT APPLICATION!!! YOUR JUSTGRANTS SYSTEM IS NOT WORKING!!! THE JUSTGRANTS SYSTEM WILL NOT ALLOW ME TO SUBMIT MY GRANT APPLICATION!!! I AM SENDING THIS MESSAGE AT 10:34 PM (CST).” (Ex.3)

11. On April 27, 2021 at 10:36 pm (CST) JustGrants.Support@usdoj.gov responded to Incident Report #522329 stating “Thank you for contacting the Justice Grants Service Desk. We have recorded your request for service and established incident report #522329 for tracking and future reference.” (Ex.3)

12. On April 28, 2021 at 6:24 am (CST) JustGrants.Support@usdoj.gov sent plaintiff and email stating Incident Report #522349 has been logged for you. (Ex.4)

13. On April 28, 2021 at 6:24 am (CST) JustGrants sent plaintiff an email stating Incident Report #522349 is assigned to Doretha Thornton. (Ex.4)

14. On April 28, 2021 at 6:31 am (CST) plaintiff received a response email stating “Please address Mr. Nance Jr. issue below. Incident 522329 was generated to document this request. (Ex.5)

15. On April 28, 2021 at 6:34 am (CST) plaintiff received an email from JustGrants.Support@usdoj.gov stating Incident Report #522329 is assigned to Justice Grants Tier 3. (Ex.6)

16. On April 28, 2021 plaintiff sent an email at 7:04 am (CST) to grants@ncjrs.gov stating “I submitted this message last night, April 27, 2021, regarding an JustGrants error message and system problems issues. I was given incident #522329. I was informed there is a glitch in your system as to the error message I received regarding the submission of my grant application. Please investigate and open my submission grant page up so I can submit my grant application for GRANT 13324548. Thank you.” (Ex.7)

17. On April 28, 2021 at 8:15 am (CST) plaintiff received an email message from JustGrants.Support@usdoj.gov stating Incident #522349 is closed.
18. On April 28, 2021 at 9:00 am plaintiff received an email from JustGrants.Support@usdoj.gov stating “Incident #522329 is assigned to Al Roddy. (Ex.8)
19. On April 28, 2021 at 9:31 am (CST) plaintiff received an email from OJP.ITServiceDesk@usdoj.gov stating “Incident #522329 – Waiting for more information to resolve the issue.”
20. On April 28, 2021 at 9:31 am (CST) Mr. Al Roddy sent plaintiff the following message via email:

“Hello Dr. Nance, Per our phone conversation, since the application deadline has passed for this solicitation, please contact the Response Center with this ticket #522329 to let them know you missed the application deadline. BJA will contact you if they determine that this solicitation should be reopened. The attached instructions will assist you with entering the match amount correctly so you can submit this application if it is reopened by BJA. If you have any additional match amount issues if the solicitation is reopened, you may open a new Helpdesk ticket so we can assist. Please let me know if you have any questions before this ticket is closed. (Ex.9)

21. Mr. Al Roddy’s document attached to Exhibit 9 provides the JustGrants Budget fields needing completion BUT the JustGrants Application Website Budget field for “Budget Summary – Federal Funds” did not allow plaintiff to put a dollar amount in it. Every time plaintiff put an amount in the “Federal Funds” box it went back to zero when plaintiff placed numbers in another box. (Ex.9a)

22. On April 28, 2021 at 10:03 am (CST) plaintiff received an email from JustGrants.Support@usdoj.gov stating “Incident #522329 is closed.
23. On April 28, 2021 at 11:00 am (CST) plaintiff received an email message from grants@ncjrs.gov regarding Incident Report #522329.

24. The NCJRS email states

“Applicants that experience unforeseen JustGrants technical issues beyond their control, which prevent them from submitting their application by the deadline, must contact the JustGrants User Support...or the SAM Help Desk...to report the technical issue and receive a tracking number. The applicant must e-mail the OJP Response Center at grants@ncjrs.gov by 11:59 pm Eastern on April 28, 2021 (within 24 hours after the application deadline) to request approval to submit its application after the deadline....” (Ex.10)

25. On April 28, 2021 at 12:36 pm (CST) plaintiff sent an email to JustGrants.Support@usdoj.gov and Congressman Danny K. Davis titled “Applicant Experience Unforeseen JustGrants Technical Issues” reporting the problems listed, which generated Incident Report #522698. (Ex.11)

26. On April 28, 2021 at 12:39 pm (CST) plaintiff received an email from JustGrants.Support@usdoj.gov titled “Incident #522698 is assigned to Justice Grants Service Desk.

27. On April 28, 2021 at 12:39 pm (CST) plaintiff received an email from JustGrants.Support@usdoj.gov titled “Incident #522698 has been logged for you.”

28. On April 28, 2021 at 4:16 pm (CST) plaintiff responded to the NCJRS email on April 28, 2021 completing all criteria for C.L.I.C.K.’s grant application to be reopened. (Ex.12)

29. On April 29, 2021 at 1:56 pm (CST) plaintiff sent an email to Congressman Danny K. Davis titled “JustGrants Glitches.” (Ex.13)

30. On May 3, 2021 at 7:11 am (CST) plaintiff sent an email JustGrants.Support@usdoj.gov and grants@ncjrs.gov stating, in part,

“While under extreme duress, anxiety, and stress, C.L.I.C.K. Services, NFP (C.L.I.C.K.) is upgrading and filing this complaint or “incident” pursuant to the Whistleblower Act. C.L.I.C.K. is filing these incident reports, again, under the protection of the Whistleblower Act to prevent any retaliatory acts or nature thereof against this entity. (Ex.14)

31. On May 3, 2021 at 7:14 am (CST) JustGrants.Support@usdoj.gov assigned Incident #524631 to plaintiff's email statement.

32. On May 4, 2021 at 9:16 am (CST) JustGrants.Support@usdoj.gov sent plaintiff an email assigning Incident #522698 – Applicant Experience Unforeseen JustGrants Technical Issues. (Ex.11)

33. On May 5, 2021 at 2:45 pm (CST) JustGrants.Support@usdoj.gov sent plaintiff an email stating Incident #524631 is closed reporting it was being considered “Junk Mail”. (Ex.15)

34. Incident #524631 was plaintiff statement regarding the Whistleblower Act. JustGrants blew it off. (Ex.15)

35. On May 5, 2021 at 5:04 pm (CST) responding to plaintiff's submission of documents Ex.10 on April 28, 2021 and Ex.12 on April 28, 2021. (Ex.16)

36. On May 6, 2021 at 7:09 am (CST) JustGrants.Support@usdoj.gov sent plaintiff an email reporting his April 21, 2021 Incident #519092 is being logged. Really!!!

37. On May 6, 2021 at 9:20 am (CST) regarding Incident #522329 Mr. Ken Molter sent plaintiff an email, via grants@ncjrs.gov, stating, in part, “The information that you originally provided was forwarded to BJA leadership for review on April 29, 2021. Because JustGrants is a new system, BJA is still looking into the technical issues that caused application submission problems. Someone from BJA will be in touch as soon as a decision has been made regarding your application....” (Ex.17)

38. On May 6, 2021 at 11:31 am (CST) regarding Incident #522329 and responding to Mr. Molter, plaintiff addressed his disappointment in the JustGrants system, his pending lawsuit against DOJ, BJA, OJP, and his intention to amend/supplement this litigation with this issue. (Ex.17)

39. On May 6, 2021 at 12:10 pm (CST) JustGrants.Support@usdoj.gov sent plaintiff an email stating Incident #519092 is closed.

40. On May 6, 2021 at 12:19 pm (CST) JustGrants.Support@usdoj.gov sent plaintiff an email stating Incident #522698 is closed.

41. On May 8, 2021 at 11:28 am (CST) plaintiff sent an email to grants@ncjrs.gov titled “JustGrants Incident #524631 Junk Mail”. (Ex.15)

42. On May 13, 2021 at 4:55 pm (CST) plaintiff sent an email to grants@ncjrs.gov titled “C.L.I.C.K. Services NFP Grant Package #13324548” asking “When is JustGrants going to open up my grant application for submission?” Plaintiff posted this on his Twitter page:

www.twitter.com/clickforjustice

@POTUS @VP @DOJBJA @AppropsDems @WaysMeansCmte
BJA JustGrants System you.tu.be/CSnd46MKrgA
Please read the narrative for this issue on my YouTube channel; then
follow up with this link for the email exchange. America are you ready for
the truth.
[https://drive.google.com/file/d/1NjfYnDQ0DddDG2OtAml9Vtuh-
Ms2IKRH/view?usp=sharing](https://drive.google.com/file/d/1NjfYnDQ0DddDG2OtAml9Vtuh-Ms2IKRH/view?usp=sharing) (Ex.18)

43. On May 14, 2021 at 11:38 am (CST) plaintiff sent an email to grants@ncjrs.gov titled “DOJ JustGrants Whistleblower Complaint” stating “Good afternoon. Please be advised: On May 14, 2021, I filed a Whistleblower complaint with the DOJ Office of the Inspector General. (Ex.19, 19a, 19b)

44. On May 15, 2021 at 1:42 pm (CST) plaintiff sent an email titled “2021 Second Chance Act JustGrants Technical Issues Preventing Grant Application Submissions to oig.oversight&review@usdoj.gov; grants@ncjrs.gov; and Congressman Danny K. Davis’ Deputy Chiefs in Chicago and Washington DC with a detailed document of the issue. (Ex.20, 20a)

45. On May 17, 2021 at 10:05 am (CST) plaintiff sent an email labeled “Second Chance Act JustGrants Process” to Congressman Davis’ Deputy Senior Advisor providing an attachment simplifying the JustGrants error and an email addressed to the Office of the Inspector General. (Ex.20a)

46. On May 20, 2021 at 10:36 am (CST) plaintiff sent an email labeled “JustGrants Faulty Grant Submission Process” with the latest Twitter post to supports@grants.gov.

[@POTUS @VP @DOJBJA @AppropsDems @WaysMeansCmte](#) BJA
JustGrants System unforeseen errors denying applications
<https://youtu.be/CSnd46MKrgA> Read narrative on my YouTube Channel.
Whistleblower complaint filed on the issue below 5/14/21.
<https://drive.google.com/file/d/1y33fDuwiJtBrevEiq4xEMZK6GamN2mO0/view?usp=sharing> (Ex.21)

47. On May 20, 2021 at 10:38 am (CST) Grants.gov sent plaintiff an email labeled “Auto Response – CAS – HHS0000175800” stating “Thank you for contacting the PSC Customer Contact Center support for Grants.gov. Your message has been received and representative will be in touch with you. (Ex.22)

48. On May 20, 2021 at 3:31 pm (CST) Justice Grants sent plaintiff (C.L.I.C.K.) and his Authorized Representative an email labeled “New and Updated JustGrants Application Submission Training and Resources.” (Ex.23)

Relief

Plaintiff has been injured. Plaintiff asserts his allegations contained in paragraphs 1- 48 above as if stated herein these paragraphs. Plaintiff claims damages in the amount of 1.25 Million dollars, which is a combination of the original complaint damage amount of \$500,000.00 and \$750,000.00 for this Supplemental complaint. These damage amounts are the cumulative dollar amounts of the grants in question, which does not include punitive and declaratory

damages, pain and suffering. The Federal Tort Claims Act ("FTCA") allows certain kinds of lawsuits against federal employees who are acting within the scope of their employment.

COUNT 1

Gross Negligence and Wrongful Conduct

COUNT 2

Abuse of Authority

COUNT 3

Violations of a Law, Rule, or Regulation related to a Federal contract or grant

COUNT 4

Violations of Requirements for Competition for or Negotiation of a Federal contract

COUNT 5

Emotional Duress, Anxiety, Stress

Since filing my federal lawsuit #20cv06316 in October of 2020 against DOJ, BJA, OJP et al., plaintiff has been working countless hours networking and collaborating, putting a team in place to submit a 2021 grant application for the Second Chance Act. Plaintiff has put a professional, diverse team in place to accomplish the goal of satisfying all aspects of a Second Chance Act grant. JustGrants has taken C.L.I.C.K. out of the competitive race for this grant. Even if JustGrants decided to open up plaintiff's grant so he can submit it, plaintiff is still at a disadvantage and has been disenfranchised by the "Non-Actions" of JustGrants, DOJ, BJA, OJP. It appears DOJ, BJA, OJP and their employees have put up barricades against plaintiff and insist on keeping their foot on his neck.

This is a public interest matter. This is not an isolated case. How many other grant applications were denied submissions because of JustGrants "Unforeseen Errors" with their

website? Discovery will reveal others have suffered needlessly. JustGrants does not have a just and fair level playing field. JustGrants is disenfranchising not-for-profit organizations.

Other “large” organizations are being favored over smaller organizations due to the BJA solicitations requirements. BJA solicitations are demanding organizations have MOUs or MOAs with correctional facilities. Plaintiff has a good relationship with the Cook County Department of Corrections (jail) because of C.L.I.C.K.’s past work. Plaintiff was able to get a MOA from the Cook County jail. (Ex.24) The Illinois Department of Corrections (IDOC) does not provide grant applicants with MOUs or MOAs. IDOC is determining who can participate in the SCA grant processes while receiving SCA grant funding. Competitiveness is lost in this grant.

No response from @GovPritzker on @IDOC_Illinois discriminating on how they issue a Memorandum of Understanding for #ReducingRecidivism for @DOJBJA grant applications. #IDOC disenfranchises #Illinoisans. #IDOC disenfranchises minority organizations.

<https://drive.google.com/file/d/1cy3RzLCqq1IwhEITcFXgYtyvLP-55YIA/view?usp=sharing>

WHEREFORE, plaintiff pleads this Honorable Court grant leave to supplement the Original complaint in this matter as justice so requires as to deter future nefarious actions leading to litigation, and whatever else this Honorable Court believes is just and appropriate. This is a public interest case. After plaintiff files this supplement, he will post it on his Twitter page at:

www.twitter.com/clickforjustice

Respectfully submitted,

/s/Fred L Nance Jr.

Pro Se Plaintiff

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